

MINUTES SEPTEMBER 9, 2013

REGULAR MEETING 7:00pm

Mayor Pro-Tem and all Council Members present.

Mayor Pro-Tem Pardue called the meeting to order and led the Pledge of Allegiance. Council Member Lewis led the invocation.

APPROVAL OF MINUTES

Council Member Moore made the motion to approve the Minutes from the regular meeting August 12, 2013 and Council Member Green seconded the motion, unanimous 5-0.

PUBLIC FORUM

Heather Macy addressed the Board about receiving the donation from the Town for the back pack program and wanted to know what documentation did she need to give the Town to receive the funds? The Board agreed a letter would be significant. Also she was upset to hear at the Labor Day festival during campaign questions that the Town would take away one of the police officers to add a park/ planning director...please don't let this happen, because we need all the safety employees we can have for our citizens.

Judy Wolfe will address the Board at a later date about the Trail Marker and placing it at the Town Hall when it is finished. Labor Day went very well.

Tony Anthony addressed the Board about putting a gate up at the park on the back side where the Town paved a few months back. The Waste Management truck is driving through breaking the new pavement, not to mention others driving through after hours causing additional issues. This would be no expense to the Town and the Fire Department and Police Department would have access to a key for the gate. The Board would also like a gate at the end of the ball field also...Council Member Lewis made a motion to approve the gate at the park and Council Member Green seconded the motion, unanimous 5-0.

DISCUSSION OF VACANCY - MAYOR

North Carolina law governs the manner for filling vacant Mayor and Town Council positions. State law also addresses the powers and duties of the Mayor Pro Tem, allowing that person to assume the role of the Mayor in the Mayor's absence. Due to the fact that the Mayor's position is due to be filled during the regular election to be held on November 5, 2013, it may be advantageous to allow the Mayor Pro Tem to continue to serve as acting Mayor until the voters can elect a replacement.

The appropriate State statutes are quoted below.

NCGS§ 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term.

§ 160A-70. Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

Council Member Moore made the motion to leave the seat open and have Council Member Pardue remain serving as the Pro-Tem until the election November 5, 2013 and Council member Wall seconded, the motion, unanimous 5-0.

DISCUSSION OF VACANCY – PLANNING BOARD

Long time Planning / Zoning Board member Weymoth Chambers recently passed away, creating a vacancy on the Planning / Zoning Board. Mr. Chambers represented the Extraterritorial Jurisdiction (ETJ) area outside the Town limits. State law governing Planning / Zoning Board representation directs that the makeup of the Board be proportionate to the population of the Town as compared to the ETJ area. In order to maintain this proportionality, the person to fill this vacancy should live outside of the Town limits but within the Extraterritorial Jurisdiction (ETJ).

Council Member Moore made the motion to table any discussion and advises the Planning Board to have a meeting to be the first to nominate any candidates to the Town, and Council Member Wall, seconded the motion, unanimous 5-0.

PARK IMPROVEMENTS

Council member Danny Lewis would like to discuss the possibility of doing improvements to the football field area of Lila Swaim Park. The Town has \$5,000 budgeted for repairs and improvements to the park as well as \$1,000 budgeted for miscellaneous expenses at the park.

Council Member Moore made the motion to table any discussion about park improvements and Council Member Green, seconded the motion, unanimous 5-0.

MINERAL SPRINGS DRIVE MAINTENANCE ISSUE

Ms. Judy Wolfe informed the Town about an issue with the old stone retaining wall supporting North Mineral Spring Drive. Specifically there are at least two locations that the wall appears to be failing which could undermine the surface of the street. The Town may need to hire a structural engineer to evaluate the stability of the retaining wall and how it may be affecting the structural integrity of North Mineral Spring Drive.

Council Member Moore made the motion to give Town Manager, Scott Buffkin the authority to close the street after contacting the school system and engineers which will be for the safety of our citizens and Council Member Wall, seconded the motion, unanimous 5-0.

PROCLAMATION – DISABILITY AWARENESS MONTH

Council Member Green made the motion to approve the proclamation for the month of October to be Disability Awareness month and Council Member Moore, seconded the motion, unanimous 5-0.

DEPARTMENTAL REPORTS

The departmental reports are included in your agenda packet. The Council will need to make a motion to approve the monthly financial report.

Council Member Lewis made the motion to approve the financial reports and Council Member Wall, seconded the motion, unanimous 5-0.

CLOSED SESSION – PERSONNEL MATTER

Council Member Moore made the motion to go into close session and it was seconded by Council Member Green, unanimous 5-0.

Council Member Moore made the motion to go back into regular session and it was

seconded by Council Member Wall, unanimous 5-0.

With no pending business to discuss Council Moore made the motion to adjourn and Council Member Lewis, seconded the motion, unanimous 5-0.

Mayor Pro-Tem, Gene Pardue

Town Clerk, Lynn Trivette